



July 2021

Emergency School Closure

There are a wide variety of reasons that may drive the decisions to close a school. After that decision has been made and the closure is facilitated for staff, students, and the community, there are several other topics that will need the consideration of the district administration and possibly the local Board of Trustees.

These topics include:

1. Consideration of the authority allowed by statute for a school closure and the steps that need to be taken to ensure compliance.
2. The possible fiscal impact of a prolonged closure.
3. Reporting attendance following a closure.
4. Compensating employees over the term of the closure.
5. Transportation implications relative to reimbursement.

Authority To Close A School

MCA 20-9-806 School closure by declaration of emergency provides the statutory basis and procedure for a school closure. This statute also speaks to the use of aggregate hours. There is no requirement for the Trustees to declare an emergency for a school closure if the school conducts the minimum aggregate hours required by MCA 20-1-301 School fiscal year, or the students have demonstrated proficiency as determined by district assessments.

20-1-301. School fiscal year.

- (1) The school fiscal year begins on July 1 and ends on June 30. At least the minimum aggregate hours defined in subsection (2) must be conducted during each school fiscal year, except that 1,050 aggregate hours of pupil instruction for graduating seniors may be sufficient.
- (2) The minimum aggregate hours required by grade are:
 - (a) 360 hours for a half-time kindergarten program or 720 hours for a full-time kindergarten program, as provided in 20-7-117;
 - (b) 720 hours for grades 1 through 3; and
 - (c) 1,080 hours for grades 4 through 12.
- (3) For any elementary or high school district that fails to provide for at least the minimum aggregate hours, as listed in subsections (1) and (2), the superintendent of public instruction shall reduce the direct state aid for the district for that school year by two times an hourly rate, as calculated by the office of public instruction, for the aggregate hours missed.
- (4) For a school which provides fewer than the required aggregate hours of pupil instruction and students have demonstrated proficiency as determined by district assessments, there is no reduction in funding.

20-9-806. School closure by declaration of emergency.

- (1) (a) Except as provided in subsection (2), if a school is closed by reason of an unforeseen emergency which results in a declaration of emergency by the board of trustees, the trustees may later adopt a resolution that a reasonable effort has been made to reschedule the pupil-instruction time lost because of the unforeseen emergency. If the trustees adopt the resolution, the pupil-instruction time lost during the closure need not be rescheduled to meet the minimum requirement for aggregate hours that a school district must conduct during the school year in order to be entitled to full annual equalization apportionment.
(b) At least 75% of the pupil instruction time lost due to the unforeseen emergency must have been made up before the trustees can declare that a reasonable effort has been made.
- (2) The board of trustees may close school for 1 school day each school year because of an unforeseen emergency and may not be required to reschedule the pupil-instruction time lost because of the unforeseen emergency. The 1-school-day closure under this subsection is not subject to the reduction in BASE aid pursuant to 20-9-805.

We suggest that Trustees be judicious when considering whether or not to act on a declaration of emergency and keep in mind that the aggregate hour requirement could eliminate the need to take this action. MCA 20-9-801 through 20-9-806 are the relevant Montana Statutes that speak to Emergency School Closure in the event that the closure is prolonged and fiscal considerations become an issue.

20-9-801. Purpose.

This part governs a school district's entitlement to state equalization apportionment funds for any school year during which the school district is unable to conduct the minimum aggregate hours by grade required by 20-1-301 by reason of one or more unforeseen emergencies. The provisions of this part must be narrowly interpreted.

20-9-802. Definitions.

As used in this part, unless the context clearly indicates otherwise, the following definitions apply:

- (1) "Declaration of emergency" means a declaration by a board of trustees that an unforeseen emergency has occurred in the district.
- (2) "Reasonable effort" means the rescheduling or extension of the school district's instructional calendar to make up at least 75% of the hours of pupil instruction lost due to an unforeseen emergency through any combination of the following:
 - a. extending the school year beyond the last scheduled day;
 - b. the use of scheduled vacation days in the districts adopted calendar pursuant to 20-1-302;
 - c. the conduct of pupil instruction on Saturdays as provided in 20-1-303; or
 - d. extending instructional hours during the school day as provided in 20-1-302.
- (3) "School day" means the school day set by the trustees as provided in 20-1-302.
- (4) "Unforeseen emergency" means a fire, flood, explosion, storm, earthquake, riot, insurrection, community disaster, or act of God or a combination of the foregoing that acts as a principal cause for a school district's inability to conduct a portion of the minimum aggregate hours of instruction required by 20-1-301.

20-9-805. Rate of reduction in BASE aid.

- (1) Except as provided in 20-9-806(2), for each hour short of the minimum number of aggregate hours required by law that a school district fails to conduct by reason of one or more unforeseen

emergencies, the superintendent of public instruction shall reduce the BASE aid of the district for that school year by a proportionate amount.

- (2) Kindergarten, grade 1 through 3, and grade 4 through 12 programs must be considered separately for the purpose of computing compliance with minimum aggregate hour requirements and any loss of BASE aid.

Reporting Attendance and Managing Enrollment During A School Closure

If a school is closed for a short period of time and there is no need for the Trustees to take any action and there are no negative implications on aggregate hours, the day(s) the school is closed would be instructional days and students should be officially marked Absent-Excused.

If the need arises to make up the days of school closure, then the days the school is closed are ignored for attendance purposes, as the scheduled make-up days are considered replacement days for the days missed and attendance is taken for those days using normal procedures. If school is closed on an official count day there is nothing that needs to be done, as this process is for reporting enrollment.

Compensating Employees During A School Closure

Compensating employees during a School Closure is governed by the district's policies and collective bargaining agreements. OPI encourages districts to preplan for such a situation. Please consider 20-1-302, MCA and 20-1-303, MCA when working on the district plans.

Transportation

There is no state or county reimbursement if school buses do not run to or from school. For example, if a school were to close at noon but still make the bus run, reimbursement would occur because the full route was run. The next day of closure, there would be no reimbursement paid.

For questions about closing a school, contact School Finance at 444-3249.